Record, 323.

1891.

Intf. Page,

Interference.

No. 15.444

Tempsburg 33 (ellers 13844177) 15-Jouglass That 401,883: US-Li Colass Progression W. S. Styriald Coin Operated Phonograph

1891. ATTORNEYS. andson Finkshing tett 9 R. G. T. R. Jacon, City a. K. Keller Je Thos Enny Jr. 153 Brogarray, My lity. User Vernon Miduraly 918. Bish City J. H. Ling, To TI Thague you Detroit mich L. G. Baron, City (assor.) L. & Dauglass, 90 & WRiller Ja, City. Gilliland Soppose, I Tur Emmy ass. Visim M. Dorsey 918. Fist 6its Glass & armold To Brone & acker, an Francisco, Cal A. J. Mourell City (asson)

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Raymond R. Wile

INDEX.

INTERFERENCE.

No. 15.444.

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SUBJECT-MATTER:

Coin aperated.

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Puliur hearing o ubaration. Statement 09 vuglass 6.11/07/ Axelson Dews 10:4.29 Unlow, againer Keller for dess ausmitted to his 13: 1/2 11 in of day of hearing, (Feb. 15 Herch 11,1892, metionast furterference between ed, Justion as between Keller as 16 March 11,1992 Hotices Deut & parties Arrivary Examiner 17 april/ 191 20 21. 22 23 24: 25 26 27 28

Raymond R. Wile Research Library In the United States Patent Office.

In the matter of the interference between the application of J.H. Ling, and Axelsom, Tewksbury Ott and others for Coin Operated Mechanism for . Phonographs

Interference 15,444.

State of Michigan,

County of Wayne.

Jacob H.Ling, of Detroit, in the County of Wayne and State of Michigan, being duly sworn deposes and says, that he is a party tonthe interference 15444 declared by the Commissioner of Patents, November 2, 1891 upon the following claim:

- 1. The combination, with a phonograph, of a coincontrolled mechanism for throwing said phonograph into operation, and means operated by the phonograph to stop the phonograph.
- The combination, with a phonograph having its motor-circuit normally open, of coin-controlled mechanism for closing said circuit, and means operated by the phonograph to open said cirfuit.

That he conceived of the invention described in said claims about the first of September 1890 and made drawings of the same about that time: that in September or October of that year he disclosed the invention to others and that in the month of October 1890 he made a model which was a reduction to practice. That Raymond R. Wile

Research Library

since that time he has built a large number of devices embodying said invention for general sale and that this is as full, clear and exact a statement as deponent can at this time make.

Sworn and subscribed to before me this

day of pecember, 1891.

Notary Public, Wayne Co. Mich.

Maddogherty.

Iller in Donglans
vs.

Glass Armold

STATEMENT OF Douglass Filed Dec. 8, 189/.
Approved 11 29, 189/.

No. 15,444.

Interferance G.G.

L. F. Douglas

INTERFERANCE IN THE UNITED

vs STATES PATENT OFFICE.

Axlesm. Tendestrung + Ott Et al -

Preliminary statement of Leon F. Douglas.

Leon F. Douglas of Chicago, in the County of Cook, and State of Illinois, being duly sworn, doth depose and say:

THAT he is a party to the interferance declared by the Commissioner of Patents, November 2nd, A.D., 1891, between the patent No. 431,883 granted to Leon F. Douglas July 8th, A.D. 1890, for coin controlled Phonograph, filed April 16th, A.D., 1890, and the application of C. Axelson, G.E. Tewksbury, and S.S. Ott of Topeka, Kansas, forcoin operated mechanism for Phonographs, those attorneys' are R.S. & A.P. Lacey of Washington, D.C.; the application of E. T. Gilliland and F.W. Toppan, of New York City, N. Y., for attachment for automatically operating Phonographs, whose attorney is Thomas Ewing Jr. of New York City, N.Y.; Claims 20 & 23, of Patent No. 428,750 granted to L. Glass and W. S. Arnold May 27th, A.D., 1890, of SanFrancisco, Cal., for coinactuated Attachments for Phonographs, whose attorneys of record, are Dewey & Co., of San-Francisco, Cal., with A.H. Evans & Co., of Washington, D.C., as associates; claims 11, 12 & 13 of Patent No. 428,751, granted May 27th, A.D., 1890, to said Glass and Arnold for a

like entitled invention, and with the same attorneys as above noted; claims 12, 13 & 14 of an application of said Glass & Arnold, for Mumismotor Phonograph, with Boone & Acker of 137 Montgomery St. SanFrancisco, Cal., as attorneys, and A.I. Morsell of Washington D.C., as associate; claims 2,3,4,6,8, 12,16, 19, 26, 29, 33, to 37, 40, 46, 50, 51, 52, 54, to 57, & 60 of an application of A.K. Keller of New York City, N.Y., for attachments for operating Phonographs; claims 3, 5, 6, 7, 8, 9, 11, & 49, of another application of said Keller for a machine for automatically operating Phonographs, with the same attorneys: Claims 12, to 15 & 22, of another of said Keller's applications for machine for automativally operating Phonographs: Ezra T. Gilliland of New York City, is assignee of sole interest in the Keller applications, and his attorney is Thomas Ewing Jr. of 155 Broadway, of New York City; and claim 14 of the application of J.H. Ling of Detroit, Michigan, for coin operated mechanism for Phonographs, whose attorneys are T.S. Sprague & Son of Detroit, Michigan, with L.S. Bacon of Washington, D.C. as associate; that he conceived the invention set forth in the declaration of interferance, on or about the 1st day of September, A.D., 1888; that he did not make drawings to of the invention in issue; that on or about the 1st day of September, A.D., 1888, he first explained the invention to others, and that he made a model showing the invention on or about the / day of September, A.D.?1888, that he embodied his invention in a full sized m achine which was completed about the 23 day of March ,1889,and or about the 27 day of March, 1899,

said machine was successfully operated the office of the Nebraska Phonograph Company on the Tenth floor of the New York Life Insurance Building in the City of Omaha, County of Douglas, and State of Nebraska, and that he has since compatinued to use the same, and that he has manufactured others for use and sale.

Subscribed and sworn to before me this 4th day of

Accember, 1891.

Mary B. Taylon Notary Public.

15,444 Kellerna Donglass vs. : Glass & Arnold STATEMENT OF Keller Filed Die. 10, 1891. Approved .. 29, 1891.

In the matter of the Interference of

ALBERT K. KELLER

-VS-

Numerous Parties,
.:
Declared November 2, 1891.

No. 15444 GG

Preliminary state:
:ment of Keller.
:In re Ser. Nos.
:379,824 381,404

. & 384, 477.

ALBERT K. KELLER, of the CITY, COUNTY and STATE of NEW YORK, being duly sworn, says, he is a party to the above entitled Interference, and the applicant in three applications for Letters Patent to wit: Nos. 379,824 filed January 31, 1891, 381,404 filed February 14, 1891, and 384,477 filed March 10, 1891 involved therein; that he conceived the inventions set forth in the declaration of interference herein in or about the month of July 1887; that he made the drawings illustrating said inventions in or about the month of July 1887; that he first explained the inventions to others in or about the month of July 1887; that he never made a model; that he made a full sized operating machine which embodied said inventions in or about the month of November 1887, and that said machine was successfully operated at his residence and at the Edison Phonograph Works in Bloomfield County of Essex and State of New Jersey; that machines embodying said inventions were subsequently manufactured under his direction at the shop of the Gilliland Electric Company, at Adrian, Lenawee County, State of Michigan, MX OX that these machines were at the time successfully operated at the shop where they were manufactured and subsequently at the residence of E. T. Gilliland, 179 West End Avenue, New York City, in the month of January 1890; and he has since continued to use them; and that machines embodying his inventions as set forth in the declaration of interference, have, since the last named date been extensively manufactured and introduced throughout the United States, with his cooperation.

Subscribed and sworn to before me this 9th., day of December, 1891.

Two tary Public Kings Co. Ny. Cert. filed in My. Co. Axe O Len, Pervlex lung Stt, in Ling us heller in stonglar spiller in stonglar spiller in stonglar spiller is statement of Helson, Tewkslury & Citt Filed Lee. 10, 1891, Approved ,, 29, 1891, 6.46.

In the United Stales Palent Office. Interference. C. axelson L. F. Douglass. J. E. TlwKsbury E. J. Gilliland. S. D. Ott. 7. W. Joppan. L. Glass W W. S. arnold. WKHeller J. H. Ling to 15.444 { Coin-operated Michanism for Phonographs. The Issue: The combination, with a plionograph, of a Coin-Controlled mechanism for Therowing Said phenograph huto operation, and means operated by the phonograph to stop said phonograph The combination, with a phonograp having its motor circuit normally open of Coin. Controlled mechanism for closing Laid circuit & means, operated by the pleonograph to open said circuit

PRELIMINARY STATEMENT of Charles Axelson, George E. Tewksbury and Simon S. Ott.

In the above entitled cause personally appeared before me, Charles Axelson, George E. Tewksbury and Simon S. Ott, who being duly sworn, state:

First: That they conceived the invention in controversy on or about May 15th, 1890.

Second: That they made no complete drawings of the invention at that time, but that subsequently sketches were made on board, paper, and other convenient material for working use.

Third: That they explained the invention to others in the month of September, 1890.

Fourth: That they made the first model of the invention on or about September 20th, 1890. That they subsequently made other models and these were exhibited publicly at various times and in various places.

Fifth: That they made a complete operating machine on or about October 15th, 1890.

Sixth: That they have made one hundred and eightythree machines which are in successful operation, and have been so operated for months past.

Sestensisting Dinnon S. Ott

Sworn to and subscribed before me, this day of

Notary Public

My Commission expires Lept. 18-1874

DEPARTMENT OF THE INTERIOR,

15444

Vonited States Patent Office, GG

Washington, D. C., Nov., 2,1891

Examiner of Interferences:

An interference is found to exist between the following cases, and in respect to the invention therein specified, to wit;

- 1. C. Axelson, G.E. Tewksbury, and S.S. Ott, of Topeka, Kansas, for Coin Operated Mechanism for Phonographs, filed July 25, 1891; Serial No. 400, 683, whose attorney is R. S. & A.P. Lacey, of Washington, D.C.,
- 2. J. H. Ling, of Detroit, Michigan, for Coin Operated Mechanism for Phonographs, filed June 4, 1891; Serial No. 395, 137, whose attorney is T. S. Sprague & Son, of Detroit, Michigan, assoc. L.S. Bacon of Washington, D.C.
- 3. A.K. Keller, of New York City, for Machines for Automatically Operating Phonographs, filed March 10, 1891; Serial No. 384,477, whose attorney is Redding & Kiddle, of New York City.
- 4. A. K. Keller, of New York City, for Machine for Automatically Operating Phonographs, filed February 14, 1891, Serial No. 381,404, whose attorneys are Redding & Kiddle, of New York City, with Foster & Freeman of Washington, D. C., as associates.
- 5. A. K. Keller, of New York City, for Attachments for Operating

Sheet 2 GG

Phonographs, filed January 31, 1891, Serial No. 379,824, whose attorneys are Redding & Kiddle, of New York City, with Foster & Freeman, of Washington, D.C., as associates.

Thomas Ewing, Jr., of 155 Broadway, New York City, is attorney for E. T. Gilliland, of New York City, the sole assignee in Kellers applications.

- 6. L. F. Douglass, of Grand Island, Nebraska, for Automatic Coin Controlled Phonographs, filed April 16 1890, Serial No. 348,169, patent 431,883, July 3, 1890, whose attorney of record is F. W. Ritter, Jr., of Washington, D.C.
- 7. E. T. Gilliland and F. W. Tappan of New York City, for Attachments for Automatically Operating Phonographs, filed March 6,1890, Serial No. 342,875, whose attorney is A. W. Kiddle, of New York City, with Foster & Freeman, of Washington, D. C., as associates.
- 8. L. Glass and W. S. Arnold, of San Francisco, Cal., for Numismotor Phonograph, filed February 15, 1890, Serial No. 340,627, whose attorneys are Boone & Acker, of San Francisco, Cal., with A. L. Morsell, of Washington, D. C. as associates.
- 9. L. Glass and W. S. Arnold, of San Francisco, Cal., two patents for Coin Actuated Attachments for Phonographs, and Coin Actuated Attachments for Phonographs, respectively, patent 428,751, May 27, 1890, (application Serial No. 339,069, filed February 3, 1890,) and patent 428, 750, May 27, 1890, (application Serial No. 334,196 filed December 18, 1889,) respectively, in which the attorneys of

GG

record are Dewey & Co., of San Francisco, Cal., with A. H. Evans & Co., of Washington, D.C., as associates.

ISSUE.

- l. The combination, with a phonograph, of a coin-controlled mechanism for throwing said phonograph into operation, and means operated by the phonograph to stop said phonograph.
 - 2. The combination, with a phonograph having its motor-circuit normally open, of coin-controlled mechanism for closing said circuit, and means operated by the phonograph to open said circuit.

Count 1 of the foregoing issue covers substantially claims 7, 8 and 14 of Axelson, Tewksbury and Ott's application; claim 14 of Ling's application; claims 12 to 15, and 22 of Keller's application Serial No. 384,477; claims 3,5 to 9, 11, and 49 of Keller's application Serial No. 381,404; claims 2,3,4,6,7,8,12,16,19,26, 29,33 to 37, 40, 46,50, 51,52,54 to 57, and 60 of Keller's application Serial No. 379,824; claims 1 and 2 of Douglass patent; claims 11 and 12 of Gilliland and Toppan's application; claims 12,13, and 14 of Glass & Arnold's application; claims 11,12, and 13 of Glass & Arnold's patent No. 428, 751; and claims 20 and 23 of Glass & Arnold's patent No. 428, 750.

Count 2 covers substantially claims 7,8, and 14 of Axelson,
Tewksbury & Ott's application; claim 14 of Ling's application;
claims 13 and 22 of Keller's application Serial No. 384,477; claims
9 and 11 of Keller's application Serial No. 381,404; claims 4,6 to

Sheet 4

8, 12,16,19,29,33 to 37,40,46,50 to 52, 54 to 57, and 60 of Kellers application Serial No. 379824; claim 1 of Douglass' patent; claims 11 and 12 of Gilliland and Toppan's application; claims 12 and 13 of Glass & Arnold's application; claims 11, 12 and 13 of Glass & Arnold's patent 428,751; and claims 22 and 23 of Glass & Arnold's patent 428,750.

Raymond R. Wile Research Library in the Numismotor Phonograph Interferences. Nos. 15,095, 15,096, 15,444.

Keller

vs.

Douglas

VS.

Glass & Arnold, et al.

VS.

Others.

BRIEF NOTES ON BEHALF OF KELLER ON THE MOTION DISSOLVED.

This motion is made under Rule 75, as interpreted in Reed vs. Landman, 55 0. G. 1275 (May 26th 1891) and Zitinger vs. Reynolds vs. McIntire, 57 0. G. 1279 (Nov. 7, 1891).

Those interferences were declared in accordance with the practice established by ex parte Upton C. D. 1884, P. 26, which was specifically limited, if not overruled by the above named decision so that it does not in any manner modify the application of Rule 75 to the point presented in this case.

applying this ruling to the present case, and limiting the discussion to these claims of the Douglas and Glass & Arnold patents which have been declared to be interference with the application of Keller and Gilliland and Toppan involved in the interferences it will be clear that no interference in fact exists.

First, as to the Douglas patent of which claims 1 and 2 are declared to be in interference.

In none of the above named applications is a circuit breaker arranged in a coin chute, and adapted to hold a coin or token with means for actuating the main circuit breaker from the phonograph carriage to release the coin, claim 1, nor is there shown in any case two circuit breakers arranged in a coin chute, est (Claim 2)

Second, Glass & Arnold patent 428,750. Claism 20 and 23

U.S. Patent Office.

Division XIV.

March 11, 1892.

In re Interference:-

Keller vs. Douglass

vs. Glass & Arnold.

Coin Operated Phonographs.

No. 15,444.

(Before the Primary Examiner on Mo-(tion to Dissolve.

Decision.

Motion is made by A.K. Keller to dissolve the interference between the applications of said Keller and patents Nos. 428750 and 428751 granted to Glass and Arnold and patent 431,883, granted to Leon F. Douglass on the ground that no interference in fact exists. Also to dissolve the interference between the applications of said Keller and application 340627 of Glass and Arnold on the ground that said Glass and Arnold have no right to make a claim in the said application to the subject matter of this interference.

Patent to Glass and Arnold 428,750, claims 20 and 23 which are included in this interference, both specify sliding cut off blocks controlling flexible tubes and a swinging bar operating the cut off blocks and contacts in the motor circuit operated by said bar.

Patent to Glass and Arnold, No. 428751 of which claims 11,12, and 13 are embraced in this interference specifically claims a

are said to be interference.

Both specify sliding cutoff blocks controlling flexible tubes, and a swinging bar operating the cut off blocks and contacts in the motor circuit operated by said bar. No single one of these elements is shown in any one of the above named applications, nor do they show any equivalents of the elements specified in the last five lines of claim 23.

Third, Glass & Arnold patent 428,751 of which claims 11, 12 and 13, are declared to be in interference.

Each of these claims specifies a swinging strip operated by the deposited coin and a latch and catch forming electrodes of the motor circuit and operated by the swinging strip.

Meither of these elements are shown in any one of the applications above mentioned.

In addition claim 13 specifies a swinging plate adapted to close and open a hearing tube and driven coin rollers waith none of which are shown in the above named application.

It is respectfully requested that the motions be granted.

Respectfully,

Thomas Evering , It

Raymond R. Wile Research Library

Souglass Slawn Anold cision of Enamina n Motion to Clissolm stay Mach 11.92 Recorded Vol. 40. page, 46

swinging strip operated by the deposited coin and a latch and catch forming electrodes of the motor circuit and operated by the swinging strip. Claim 13 also specifically covers a swinging plate, adapted to close and open a hearing tube and driven coin rollers.

As none of these features are shown in the applications of Keller or the patent to Douglass and can be claimed by neither of these parties, under the doctrine laid down in Reed vs. Landman 55 0.G. 1275, no interference in fact exists.

The same conclusion must be reached as to the patent of Doug-lass, since claims 1 and 2 of said patent, which are involved in this interference, include as an element of the combination a circuit breaker arranged in a coin chute, and adapted to hold a coin or token, with means for actuating the circuit breaker from the phonograph carriage to release the coin (claim 1) and two circuit breakers arranged in a coin chute (claim 2) none of which features are found in the applications of Keller or patents of Glass and Arnold or can be claimed therein.

The motion is therefore granted and the interference dissolved as to these parties. Limit of appeal will expire March 28, 1892.

The second motion of Keller is for the dissolution of the interference between the applications of A.K. Keller and the application of Glass and Arnold on the ground that said Glass and Arnold have no right to make a claim in the said application to the subject matter of the interference.

As this application of Glass and Arnold was concurrently pending with those which resulted in the grant of patents 428750 and
428751, to Glass and Arnold, under the practice as outlined in ex
parte Mullen & Mullen 50 0.G. 837, these parties clearly have the
right to make the claims which are involved in the issue. Motion
for dissolution of the interference as to Keller's applications and
that of Glass and Arnold must therefore be denied. Limit of appeal
will expire March 28, 1892.

Supplemental Decision.

In reviewing the various applications and patents included in this interference in connection with the above motions it is noted that the application of Glass and Arnold No. 340,627, is restricted as to the claims in interference to a species distinct from that of either of the Keller applications. This being so the Examiner is of the opinion that the Reed vs. Landman decision applies to it as well as to the applications and patents embraced in the above motion, first considered, and, therefore, the cases being mow in his jurisdiction does, on his own motion, dissolve the interference. Limit of appeal will expire March 28, 1892.

Louis W. Maxson. Spanning Div. XII.

15.444 17. Keller v. Douglass et al. Letter to Primary Examiner april 1/92.

> Raymond R. Wile Research Library

UNITED STATES PATENT OFFICE,
Washington, D.C., April 1,1892.

To the Primary Examiner

in charge of Division XIV.

Sir:-

In the interference of Keller v. Douglass v. Gilliland & Toppan, No. 15,444, judgment of priority was rendered against Axelson,
Tewksbury & Ott, Ling and Gilliland & Toppan, for the reason that
they failed to overcome the record date of the senior party in
their preliminary statements. On March 11,1892, you granted a motion dissolving the interference as to certain parties and
also upon your own motion dissolved the interference as to the remaining parties. It occurs to the examiner of interferences that
if the original declaration of interference was erroneous, then the
judgments rendered against these parties as aforesaid ought not
to stand of record and should be set aside and vacated upon the
motion of the office itself. Will you kindly inform me whether or
not such an order should be made?

Very respectfully,

Examiner of Interferences.

ind. 15,4441 18 Weller v. Donglass Glass and arnold. Interference dissolved. June 22: 92. DEPARTMENT OF THE INTERIOR,

Vonited States Patent Office,

Washington, D. C., June 22nd 189 2.

IN RE INTERFERENCE

Keller v. Douglass

No. 15,444.

Before the Examiner of Interferences.

Glass & Arnold.

Coin Operated Phonograph.

A.K.Keller, C/o V.M.Dorsey, # 918 F. St., City.

L.F. Douglass, C/o F.W. Ritter, City.

Glass & Arnold, C/o Boone & Acker, San Francisco, Cal.

Glass & Arnold, C/o A.H. Evans & Co., City.

On the 11th day of March, 1892, the primary examiner granted a motion dissolving this interference, and such decision having become final, it is ordered that the same be spread upon the interference records, and the application papers of the respective parties be forthwith transmitted to the primary examiner.

Examiner of Interferences.

Wall John

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